



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

**Ministerial Breakfast on Peaceful Settlement of Disputes
100 Years Peace Palace:
Advancing the Framework for Peaceful Settlement of Disputes**

Remarks

By

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Minister of Foreign Affairs,
President of the International Court of Justice,
Deputy Secretary-General,
Secretary-General of the Permanent Court of Arbitration,
Excellencies,
Ladies and Gentlemen,

There are many reasons why States should recognize the compulsory jurisdiction of the International Court of Justice. I will not repeat them. What I wish to do is to take two cases before the Court and use them to illustrate what the Court can do for States that take their disputes to it.

The first is that between Cameroon and Nigeria. In its judgment in 2002, the Court delimited the boundary between the two countries. In doing so, the Court awarded to Cameroon the whole of the Bakassi peninsula - a resource-rich area under Nigerian control.

This might seem to have been a recipe for confrontation. However, goodwill between the two countries had been built up during the proceedings before the Court. Building on

that foundation, Presidents Biya and Obasanjo, with the Secretary-General's help, put in place a process that brought the two governments together, with the United Nations, in a mixed commission, to implement the Court's judgment.

Working largely through this commission, the two countries have accomplished much since 2002. Nigeria has withdrawn from the Bakassi peninsula and transferred authority to Cameroon.

Similar withdrawals and transfers have taken place elsewhere. The two countries have reached final agreement on their maritime boundary. And they have agreed upon the precise demarcation of some 1,900 kilometres of their land boundary. Only some 200 kilometres remain. But the greatest achievement of all is that peaceful and good neighbourly relations have been entrenched between the two nations and peoples.

The second case is between Germany and Italy. Victims of violations of international humanitarian law allegedly committed by German armed forces in Italy during World War Two sued Germany before the Italian courts. The question arose whether Germany should have been accorded immunity from those proceedings.

In its judgment in 2012, the Court held that, under general international law, a State enjoys immunity from proceedings for acts carried out in the exercise of its sovereign power. This includes civil wrongs committed by its armed forces in another State's territory. And there is no exception for serious violations of international humanitarian law or human rights law.

The Court has provided clear guidance to States and their national courts on the basic rules of State immunity. That guidance is already being followed by national and regional courts. As so often, the Court has established a clear basis for the conduct of inter-State relations and so helped to ensure the rule of law in international affairs.

Finally, I wish to take this opportunity to congratulate the Government of the Netherlands - represented here so prominently by Foreign Minister Timmermans - for holding this event on advancing the framework for the peaceful settlement of disputes on the occasion of the centennial of the Peace Palace. It could not have been scheduled more timely against the background of the emphasis that the United Nations has placed on the strengthening the rule of law in recent years.

Thank you for your kind attention.